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Crime prevention and criminal justice

International drug control

Strengthening international cooperation in combating the harmful effects of illicit financial flows resulting from criminal activities

Note by the Secretariat

By its resolution 2011/32 of 28 July 2011, the Economic and Social Council recommended to the General Assembly the adoption of the following draft resolution:

Strengthening international cooperation in combating the harmful effects of illicit financial flows resulting from criminal activities

The General Assembly,

Concerned about the links between various types of transnational organized crime, including, as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational Organized Crime,[1] and their impact on development as well as, in some cases, on security,

Concerned also that transnational organized criminal groups expand their activities to various sectors of economies with a view, inter alia, to legalizing proceeds of various types of crime and utilizing them for criminal purposes,

Concerned further about cases of transnational organized crime, including, as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational Organized Crime, that involve vast quantities of assets, which may exceed the resources of some States, and that may weaken governance systems, national economies and the rule of law, and bearing in mind in this regard, inter alia, paragraph 50 of the

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.

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Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem,[2]

Conscious of the need to enhance international cooperation to effectively prevent, detect and deter international transfers of illicitly acquired assets resulting from transnational organized crime, including, as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational Organized Crime,

Recognizing that the United Nations Convention against Transnational Organized Crime, the United Nations Convention against Corruption[3] and other relevant instruments, including the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[4] as well as relevant resolutions of other United Nations bodies, contribute to a global framework for preventing and countering the illicit flow of funds, including through money-laundering,

Recognizing also that the United Nations Convention against Transnational Organized Crime, the United Nations Convention against Corruption and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 provide a fundamental global framework of international standards for States parties for preventing and combating money-laundering,

Recalling its resolution 65/232 of 21 December 2010, on strengthening the United Nations crime prevention and criminal justice programme, and welcoming in particular the use of its technical cooperation capacity for preventing and countering the illicit flow of funds,

Recalling also paragraph 23 of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice,[5] in which Member States were encouraged to consider developing strategies or policies to combat illicit financial flows,

Noting with interest the work undertaken in countering money-laundering within the framework of relevant specialized regional and international bodies, such as the World Bank, the International Monetary Fund, the Egmont Group of Financial Intelligence Units, the Financial Action Task Force on Money Laundering, regional bodies similar to the Task Force, the Organization for Economic Cooperation and Development, the International Criminal Police Organization (INTERPOL) and the World Customs Organization,

Noting with interest also the work of the United Nations Office on Drugs and Crime on the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism and the evaluation of the Global Programme by the Independent Evaluation Unit,

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[2] See *Official Records of the Economic and Social Council, 2009, Supplement No. 8* (E/2009/28), chap. I, sect. C; see also A/64/92-E/2009/98, sect. II.A.

[3] United Nations, *Treaty Series*, vol. 2349, No. 42146.

[4] Ibid., vol. 1582, No. 27627.

[5] General Assembly resolution 65/230, annex.

Convinced that technical assistance can play an important role in enhancing the ability of States, including by strengthening capacity- and institution-building, to prevent, detect and deter illicit financial flows originating from transnational organized crime, including, as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational Organized Crime,

Aware that the availability of information on illicit financial flows resulting from transnational organized crime, including as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational Organized Crime, is very limited, and aware of the need to improve the quality, scope and completeness of such information,

Noting the many methods used by transnational organized criminal groups for laundering proceeds of crime, including through illicit trafficking in precious metals and the associated raw materials, and welcoming further research by Member States and other entities to study such methods,

Taking note of the analytical work of the United Nations Office on Drugs and Crime, which provides a preliminary overview of different forms of emerging criminal activity and their negative impact on the sustainable development of societies,

Noting with interest the efforts made within the framework of the Paris Pact initiative regarding work on illicit financial flows as a key issue in the drug economy,

Recognizing that the strengthening of national and international measures against the laundering of proceeds of crime derived from transnational organized crime, including, as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational Organized Crime, will contribute to weakening the economic power of criminal organizations,

Recognizing also the pertinence of the review of implementation mechanisms for the United Nations Convention against Corruption to the prevention of illicit financial flows as well as to a possible mechanism or mechanisms for the implementation of the United Nations Convention against Transnational Organized Crime,

Aware of the need to enhance international cooperation in the confiscation and seizure of proceeds of crime derived from or obtained directly or indirectly through the commission of crimes, including by means of the smuggling of cash,

1. *Urges* States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[4] the United Nations Convention against Transnational Organized Crime[1] and the United Nations Convention against Corruption[3] to apply fully the provisions of those Conventions, in particular measures to prevent and combat money-laundering, including by criminalizing the laundering of proceeds of transnational organized crime, including as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational

Organized Crime, and invites Member States that have not yet done so to consider becoming parties to those Conventions;

2. *Encourages* Member States to fully implement applicable standards, as appropriate, in order to adopt the comprehensive range of measures required to prevent and combat money-laundering and the financing of terrorism;

3. *Urges* Member States, in accordance with national laws, to require financial institutions and other businesses or members of any profession subject to obligations with regard to countering money-laundering to report promptly to the competent authorities any funds transaction in which they have reasonable grounds to suspect that the assets are proceeds of crime and money-laundering resulting from transnational organized crime, including as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational Organized Crime;

4. *Also urges* Member States to consider taking all necessary measures to ensure that they do not provide a safe haven for wanted fugitives who have accumulated or are harbouring in their possession proceeds of crime derived from transnational organized crime, including, as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational Organized Crime, or who finance organized crime or criminal organizations, in particular by extraditing or prosecuting such fugitives, and urges Member States, in accordance with national laws and international law obligations, to fully cooperate with each other in this regard;

5. *Encourages* Member States to afford other countries the greatest possible measure of legal assistance and information exchange in connection with relevant investigations, inquiries and proceedings related to tracing illicit financial flows and seeking to identify illicitly acquired assets resulting from transnational organized crime, including, as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational Organized Crime;

6. *Also encourages* Member States to cooperate in confiscation-related investigations and proceedings, including through the recognition and enforcement of foreign temporary judicial orders and confiscation judgements, management of assets and implementation of asset-sharing measures, in accordance with their laws and applicable treaties;

7. *Urges* Member States to establish or, where applicable, strengthen national institutions specializing in financial intelligence by allowing them to receive, obtain, analyse and disseminate financial information relevant to preventing, detecting and deterring illicit financial flows resulting from transnational organized crime, including, as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational Organized Crime, and to ensure that such institutions have the ability to facilitate the exchange of such information with relevant international partners, in accordance with relevant domestic procedures;

8. *Also urges* Member States to consider related global and regional initiatives to facilitate the tracing of proceeds of crime resulting from transnational organized crime, including, as appropriate, drug trafficking and

related offences provided for in the United Nations Convention against Transnational Organized Crime;

9. *Encourages* Member States to consider implementing measures, in accordance with the fundamental principles of their legal systems and consistent with their national legal frameworks, for the confiscation of assets absent a criminal conviction, in cases where it can be established that the subject assets are the proceeds of crime and a criminal conviction is not possible;

10. *Considers* that the review by the International Narcotics Control Board of the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 is also relevant to the work of the Commission on Crime Prevention and Criminal Justice in the area of money-laundering;

11. *Requests* the United Nations Office on Drugs and Crime, in close cooperation and consultation with Member States and in cooperation with relevant international organizations, to strengthen, simplify and make more efficient the collection and reporting of accurate, reliable and comparable data on transnational organized crime;

12. *Calls upon* the United Nations Office on Drugs and Crime to continue providing technical assistance, upon request, to Member States, in order to enhance their capacity to collect, analyse and report data on illicit financial flows resulting from transnational organized crime, including, as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational Organized Crime, as well as to prevent, detect and deter illicit financial flows and money-laundering resulting from such criminal activities;

13. *Urges* the United Nations Office on Drugs and Crime to continue providing technical assistance to Member States to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, in accordance with related United Nations instruments and internationally accepted standards, including where applicable, recommendations of relevant intergovernmental bodies, inter alia, the Financial Action Task Force on Money Laundering, and relevant initiatives of regional, interregional and multilateral organizations against money-laundering;

14. *Requests* the United Nations Office on Drugs and Crime to continue, in consultation with Member States, its research on transnational organized crime, including illicit financial flows;

15. *Calls upon* the United Nations Office on Drugs and Crime to strengthen the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, inter alia, in line with the recommendations made by the Independent Evaluation Unit in its review of the Programme;

16. *Requests* the United Nations Office on Drugs and Crime to strengthen its cooperation with other appropriate international and regional organizations engaged in combating the harmful effects of illicit financial

flows resulting from transnational organized crime, including, as appropriate, drug trafficking and related offences provided for in the United Nations Convention against Transnational Organized Crime, for the purposes of providing technical assistance in this regard;

17. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations;

18. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission on Crime Prevention and Criminal Justice at its twenty-second session on measures taken and progress achieved in the implementation of the present resolution.